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April 21, 2024

*Via ECF*

The Honorable Paul G. Gardephe  
United States District Court for the  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: De'Bey, et al. v. City of New York, et al.  
No. 20 CV 1034 (PGG)(SLC)

Dear Judge Gardephe:

I am an Assistant Corporation Counsel at the Office of the Corporation Counsel of the City of New York, the Honorable Sylvia O. Hinds-Radix, attorney for the Defendants in the above-referenced action. I write this emergency letter-motion to respectfully request a brief 2-day extension of Defendants' time to file their objections to the February 23, 2024 Report and Recommendation ("R&R") of the Honorable Sarah L. Cave on the parties' cross motions for summary judgment.

While working on the Defendants' objections to Magistrate Judge Cave's R&R this afternoon, I stepped away from my desk to attend to other matters. Upon returning to my computer, I attempted to re-access my account at the New York City Law Department to continue working on the draft objections. However, I received a notification that my account was "locked out" and could not be logged into. The working draft of Defendants' objections, with significant edits that were not yet saved to the network, had been open on my desktop behind the log-in screen and is therefore now totally inaccessible to me. I immediately requested Law Department IT assistance through my mobile device but have not yet received a response.

In light of this unexpected technical issue, which I have never encountered before, it seems unlikely that I will be able to finalize the Defendants' objections to Magistrate Judge Cave's R&R today. These objections are presently due tomorrow, April 22, 2024. Because the

timely submission of these objections affects the Defendants' ability to take any future appeal and because, without the benefit of a diagnosis of the problem, I am unable to determine the steps that will be necessary to re-access my account (or indeed, ensure that my edits have not been lost), I respectfully – and with my sincere apologies to the Court and to Plaintiff for the emergent nature of this application – request a brief, 2-day extension of Defendants' time to submit their objections.

As noted, the present deadline is tomorrow, April 22, 2024. A 2-day extension would move this deadline to Wednesday, April 24, 2024. This would be the third extension of the deadline by which objections must be submitted, the first having been granted on March 6, 2024, (ECF No. 207), and the second on April 24, 2024, (ECF No. 209). Given the urgency of this application, I called Plaintiff in an attempt to secure his consent to this application but was unable to reach him. I will follow-up via email and relay his response to the Court if I receive one.

I thank the Court for its consideration of this application, and I apologize for its emergency nature in derogation of the Court's Individual Practices with respect to extension requests.

Respectfully yours,

/s/ David S. Thayer

David S. Thayer

cc: *Via ECF*  
John De'Bey  
*Plaintiff pro se*

**MEMO ENDORSED**

**The Application is granted.**

**SO ORDERED:**



**Paul G. Gardephe, U.S.D.J.**

Dated: April 22, 2024